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 9 7435 West Azure Drive - Suite 110
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11 Robin Potter, Esq.
 111 E. Wacker Drive
 12 Suite 2600
 Chicago, IL 60601
 13 Phone: (312) 861-1800
 (Pending Pro Hac Vice Admission)
 14 Attorneys for Plaintiffs

15
 16 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

17 -----X
 18 JOHN DOE, name fictitious,) Docket:
 and all persons whose names)
 are set forth in Exhibit A,)
 19 individually and on behalf of)
 all others similarly situated,)
 20) COMPLAINT
 Plaintiffs,)
 21 vs.)
)
 22 WYNN LAS VEGAS, LLC, and)
 STEVE WYNN,)
 23)
 Defendants.)
 24 -----)
 25)

26 COMES NOW Plaintiff, JOHN DOE, name fictitious, and those
 27 persons set forth in Exhibit "A" ("Plaintiffs"), for themselves and
 28 all others similarly situated, through their attorneys, and allege

1 the following upon personal knowledge as to themselves and their own
2 acts, and upon information and belief as to all other matters:

3 JURISDICTION AND VENUE

4 1. This Court has jurisdiction pursuant to Section 16(b) of
5 the Fair Labor Standards Act, 29 U.S.C. §216(b), which provides, "An
6 action to recover the liability prescribed in either of the
7 preceding sentences may be maintained against any employer...in any
8 federal or state court of competent jurisdiction by any one or more
9 employees for and on behalf of himself or themselves and other
10 employees similarly situated." A "Consent to Joinder" form for each
11 individual plaintiff has been filed with this Complaint and for some
12 plaintiffs also previously filed with the Court.

13 2. Venue is proper in the United States District Court for
14 Nevada because Defendants conduct business in Clark County Nevada,
15 plaintiffs reside in Clark County, Nevada, plaintiffs worked for
16 defendants in Clark County, Nevada, and the acts complained of
17 herein happened in or around Clark County, Nevada.

18 **BACKGROUND AND PARTIES**

19 3. Plaintiffs, on behalf of themselves and all others
20 similarly situated (collectively "Plaintiffs"), by their attorneys,
21 bring this action against defendants. The fictitious plaintiff
22 "John Doe" is not intended to be an actual person and such name is
23 interposed to shield the actual plaintiffs, listed on Exhibit "A,"
24 from the notoriety and presumptive harassment that one of them would
25 face by being publicly identified as the "first named" or presumed
26 "lead plaintiff" in this case.

27 4. The defendant STEVE WYNN is, for the purposes of the
28 claims made herein under the Fair Labor Standards Act, 29 U.S.C. §

1 201 et seq. (the "FLSA"), an employer of the plaintiffs as they have
2 acted on behalf of an employer and/or acted as an employer by
3 willfully, intentionally, knowingly or otherwise promoting,
4 allowing, directing or otherwise creating the compensation policies
5 alleged herein that violate the FLSA, such individual defendant also
6 exercising the power they had with the other defendant WYNN LAS
7 VEGAS, LLC by virtue of their status as officers and/or managers
8 and/or owners of the same to continue, create, or allow such
9 policies to flourish and remain in existence.

10 5. WYNN LAS VEGAS, LLC is a limited liability corporation
11 formed and existing pursuant to the laws of the State of Nevada and
12 having its principle place of business in Clark County, Nevada.

13 **AS AND FOR CLAIM FOR RELIEF UNDER THE FAIR LABOR STANDARDS ACT**

14 6. The defendants employ the plaintiffs and hundreds of other
15 persons as casino dealers in their casino, the Wynn Las Vegas also
16 partially known as Encore.

17 7. Pursuant to Section 16(b) of the FLSA, the individual
18 plaintiffs bring this Complaint as a collective action (also
19 commonly referred to as an "opt-in" class or "an FLSA class"), on
20 behalf of themselves and all persons similarly situated who consent
21 to join this litigation by filing a written consent with the Court
22 and who also agree to be represented by plaintiffs' counsel, such
23 persons making claims under the FLSA for the applicable period after
24 May 5, 2011, until entry of judgment after trial.

25 8. Plaintiffs are informed and believe, and based thereon
26 allege that there are at least 500 putative FLSA class members who
27 could "opt in" to this case, the actual number of FLSA class members
28 is readily ascertainable by a review of the defendants' records

1 through appropriate discovery, and the plaintiffs propose to take
2 proceedings in this action to have such persons notified of this
3 litigation and given an opportunity to file written consents to join
4 this litigation.

5 9. Defendants are an enterprise engaged in commerce within
6 the meaning of the FLSA that uses and/or produces or ships goods in
7 interstate commerce or goods that have so moved in interstate
8 commerce and have gross revenue in excess of \$500,000 a year and/or
9 are otherwise employers subject to the provisions of the FLSA in
10 respect to their employment of the plaintiffs.

11 10. Pursuant to 29 U.S.C. § 206 and § 207 the defendants are
12 charged with an obligation to pay the minimum wage and overtime
13 wages required by the FLSA to the plaintiffs.

14 11. Defendants have failed and refused to make the minimum
15 wage and/or overtime payments required by the FLSA to the plaintiffs
16 or otherwise comply with the requirements of the FLSA in respect to
17 their employment of the plaintiffs because, since May 5, 2011, they
18 have violated 29 U.S.C. § 203(m) and 29 U.S.C. § 206 of the FLSA and
19 the implementing regulations thereto set forth in 29 CFR 531.52 and
20 29 CFR 531.54, to wit, they have failed to allow the plaintiffs to
21 retain for themselves, or retain for themselves through a tip pool
22 structured in compliance with the provisions of the FLSA and
23 otherwise authorized by the FLSA, all of the tips they have received
24 from customers during the course of their employment by the
25 defendants.

26 12. Defendants have required the plaintiffs, as a condition of
27 their employment, to pool and share their tips with other employees
28 who do not customarily and regularly receive tips, such tip pool

1 and/or tip sharing not being authorized under the FLSA and its
2 relevant implementing regulations and/or have required the
3 plaintiffs to give a portion of their tips to other employees of the
4 defendants in a manner that violates the FLSA.

5 13. Defendants, by implementing the policies alleged in
6 paragraph 12, have effectively failed to pay any wages whatsoever to
7 the plaintiffs, in that defendants recoup from the plaintiffs,
8 through the taking of a portion of the plaintiffs' tips, an amount
9 far in excess of the amount it nominally pays to the plaintiffs from
10 the defendants' own funds, such actions by the defendants violating
11 the purpose and intent of the FLSA which is to make all employers
12 pay FLSA required minimum wages and overtime wages and all other
13 wages solely from the resources of the employer and not by
14 appropriating employee tips to make such wage payments, the FLSA
15 also preventing an employer from engaging in such an appropriation
16 by using a tip pool, such as the one used by defendants, to
17 compensate employees who do not regularly and customarily receive
18 tips with a portion of the tips received by other employees who do
19 regularly and customarily receive tips.

20 14. Defendants' aforesaid violations of the FLSA were
21 intentional, willful and knowing. Such willful violations are
22 established by, among other things, a history of prior and existing
23 litigation against defendants over the tip taking and pooling
24 policies at issue and the awareness of defendants' counsel of the
25 regulations issued by the United States Department of Labor that
26 were implemented and effective as of May 5, 2011 and that govern the
27 claims made herein.

28 15. As a result of the foregoing the plaintiffs, on behalf of

1 themselves and all other persons who join in this action by filing
2 written consents with the Court and who agree to be represented by
3 plaintiffs' counsel, seek to collect their full damages for the
4 defendants' aforesaid violations of the FLSA that have occurred on
5 and after May 5, 2011, to wit, the value of the tips taken from them
6 by the defendants and given by the defendants to other employees of
7 the defendants who do not customarily and regularly receive tips, or
8 given to other employees whom the plaintiffs cannot be required to
9 share their tips with under the FLSA, or whatever other measure of
10 actual damages they are due from defendants' aforesaid violations of
11 the FLSA taking place on and after May 5, 2011, along with an equal
12 amount of liquidated damages as provided for under 29 U.S.C. §
13 216(b), together with attorneys' fees, costs, interest and such
14 other relief as the Court may deem proper.

15 16. Plaintiffs' claims are identical in scope and substance to
16 those made in the case previously pending before this Court, *Cesarz*
17 *v. Wynn Las Vegas*, 13-cv-109, final judgment entered January 10,
18 2014, reversed and remanded by the United States Ninth Circuit Court
19 of Appeals, No. 140-15243, Opinion of February 23, 2016, mandate not
20 yet issued as of March 4, 2016. Most of the Plaintiffs in this
21 action have, on or after, February 23, 2016, filed consents to
22 joinder pursuant to 29 U.S.C. § 216(b) with this Court in the *Cesarz*
23 action (the "consents"). Defendants have been advised of those
24 filings and of the intent of such plaintiffs to have those consent
25 filings properly interposed pursuant to 29 U.S.C. § 256, as of their
26 date of filing in the *Cesarz* action, for statute of limitations
27 purposes. Defendants have refused to recognize the legitimacy of
28 those consent filings in the *Cesarz* action for the purposes of 29

1 U.S.C. § 256. Defendants have provided no basis for such refusal,
2 but it is presumed they may elect to later allege this Court in the
3 Cesarz action lacks jurisdiction to currently accept those consent
4 filings, for purposes of 29 U.S.C. § 256, and will lack such
5 jurisdiction until such time as the Ninth Circuit Court of Appeals'
6 mandate is issued in that case. Because the plaintiffs' rights
7 under the FLSA will erode each day that their consents are not
8 properly filed in this Court, defendants' reservation of a right to
9 challenge the filing of those consents in the Cesarz action has
10 compelled the plaintiffs to file this action to ensure they are
11 fully complying with, and protecting their rights under, 29 U.S.C. §
12 256 and the FLSA. Plaintiffs do not intend to prosecute multiple or
13 duplicate claims and would not bring this action, and would instead
14 rely upon the filing of their consents with this Court in the Cesarz
15 action to protect their rights under the FLSA, if not for
16 defendants' foregoing conduct as alleged in this paragraph.

17 WHEREFORE, plaintiffs demand the relief on each cause of action
18 as alleged aforesaid, together with costs, interest, attorney's fees
19 and such other relief as the Court deems just.

20 Plaintiffs demand a trial by jury on all issues so triable.

21 Dated this 4th day of March, 2016

22 Leon Greenberg Professional Corporation

23
24 */s/Leon Greenberg*

25 By: _____
26 LEON GREENBERG, Esq.
27 Nevada Bar No.: 8094
28 2965 South Jones Boulevard - Suite E3
Las Vegas, Nevada 89146
(702) 383-6085
Attorney for Plaintiffs

Exhibit A-List of Filers

Abebe, Etagegn
Amare, Genet B.
Aromin, Bryan D.
Blaney, Linda
Brown, Estella
Burbank, Ashley
Carabasu, Anca
Casacchia-Anderson, Marianne
Chakarov , Petar
Chakarova, Malina
Chau, Linda
Chen, Alice Sarah
Chen, Angro
Chiang, Kai Hong
Christian, Dona
Ciliberti, Christina
Cincotto, Matthew
Cipriani, Scott
Crockett, Nurys
D'Angelo, Richard
Deng, Vivian
Desiderio, Marie
DiGioglio, Mike
Donner, Kay
Dueas, Candida
Durando, Dennis
Dyer, Jason C.
Dzama, Christina
Early Jr., Thomas
Egan, Lauren
Fadel, Claudia
Friedman, Daniel
Gadberry, Christopher David
Garcia, Wiston
Garcia, Yelina
Georgiev, Katina
Gipson, Mikki
Ha , Jonathan

Hamel, Jeffrey M.
Haro, George
Hart, Jr., Richard
Hsu, Joyce
Huang, Jinman
Huang, Leanne Yue-Liam
Humble, Barbara
Isbert,
Jiang, Jessica
Jones, Elvis
Jones, Mai
Jones, Marlon
Keck, Tasha
Kelley, Babeth M.
Kimberly, Alex
Kissman, Michael
Ko , Ki Suk
Kreml, Jeannine
Lam, Raymond Y.
Lam, Sandy
Larrieu, Alain
Lau, Loretta
Lei, Leila
Leung, Franklin
Li, Jin Yuan
Liang, Eileen Zheng
Liu, Yan
Luna, Sheileen
Luo, Zhihong
Ma, Ying Xian
Medina, Toni R.
Melgar, Anndy A.
Misca, Andreas
Morishita, Cassandra
Munoz, Verna
Nguyen, Phuong
Nguyen, Trung
Olson, Corey


Owens, Matthew
Padron, Sandro
Perri, Nicholas J.
Premvaree, Nakorn
Richardson, Brenda
Ritchie, Xu
Rogers, Tammy
Salomoun, Shadi
Sarant, Romilda
Sax, Charocos
Songarasit, Thawatchai
Sosna, Thomas
Spencer, Carless R.
Tan, David
Tan, Weida
Tanis, Eve-nika
Tanis, Wilnor
To, Eddie
Tong, Iek Cheong
Torres, Judy

Tsui, Morris Wing
Wang, Hong Mei
Ward, Yow
Welt, John H. Jr.
Welt, Shannon
Wergull, Nancy
Wong, Andy M.
Wong, Bonnie
Wu, Yi Fan
Wu , Kai Ching
Xie, Christine Y.
Yoo, John
Young, Teresa
Yu, Amy
Zhang, Jing
Zhang, Ping
Zhao, Yan Hong
Zhong, Xia
Zhou, Denise

CONSENT TO JOINDER

By signing below I hereby consent to join this case as a plaintiff pursuant to 29 U.S.C. 216(b) and be represented by the attorneys Leon Greenberg, Mark Thierman, J.P. Kemp and Robin Potter pursuant to a written retainer agreement I have executed with them.


SIGN YOUR NAME


PRINT YOUR NAME

YOU MUST ALSO FILL OUT AND SIGN A RETAINER FORM

ORIGINAL OF THIS FORM SHOULD BE RETURNED TO:

LEON GREENBERG, ATTORNEY AT LAW
2965 SOUTH JONES BOULEVARD #E-4
LAS VEGAS, NV 89146

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SIGN YOUR NAME

Marie Desiderio
PRINT YOUR NAME

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Christina Dzama
SIGN YOUR NAME

Christina Dzama
PRINT YOUR NAME


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DENNIS C. Durando
PRINT YOUR NAME

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Jeannine N Kreml
PRINT YOUR NAME


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SIGN YOUR NAME

GENET B. AMARE
PRINT YOUR NAME

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Ashley Burbank
SIGN YOUR NAME

Ashley Burbank
PRINT YOUR NAME

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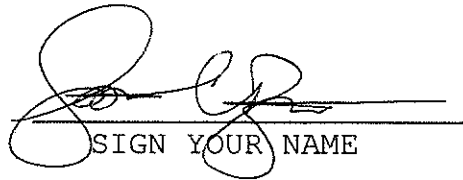
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Jason C. Dyer
PRINT YOUR NAME

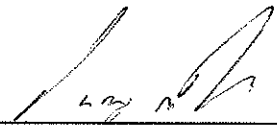
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Daniel Friedman
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Christopher David Gadberry
PRINT YOUR NAME

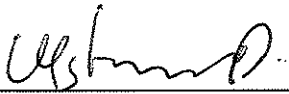
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WISTON GARCIA
PRINT YOUR NAME

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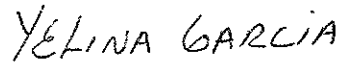
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Mikki Gipson
SIGN YOUR NAME

Mikki Gipson
PRINT YOUR NAME


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SIGN YOUR NAME

JONATHAN HA
PRINT YOUR NAME

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SIGN YOUR NAME

George Hars

PRINT YOUR NAME

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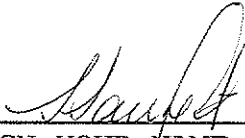
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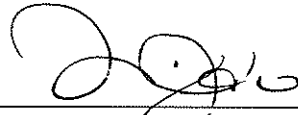
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SIGN YOUR NAME

Mai Jones
PRINT YOUR NAME

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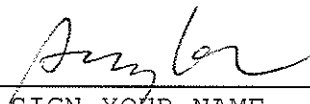
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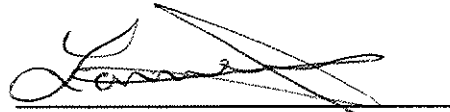
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2965 SOUTH JONES BOULEVARD #E-3
LAS VEGAS, NV 89146

CONSENT TO JOINDER

By signing below I hereby consent to join this case as a plaintiff pursuant to 29 U.S.C. 216(b) and be represented by the attorneys Leon Greenberg, Mark Thierman, J.P. Kemp and Robin Potter pursuant to a written retainer agreement I have executed with them.


SIGN YOUR NAME

ALAIN LARRIEU
PRINT YOUR NAME

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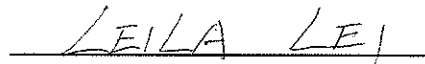
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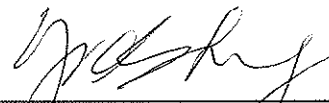
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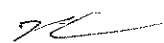
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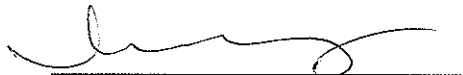
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ANDY A. MELLAR
PRINT YOUR NAME

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SIGN YOUR NAME

Shadi Salamoun
PRINT YOUR NAME

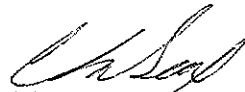
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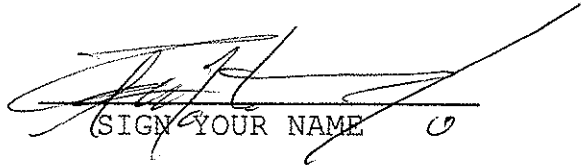
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(SIGN YOUR NAME)
CARLESS R. Spencer
PRINT YOUR NAME

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SIGN YOUR NAME

Weida Tan

PRINT YOUR NAME

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Eve-nika Tanis
SIGN YOUR NAME

Eve-nika Tanis
PRINT YOUR NAME

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Wilnor Tanis
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WILNOR TANIS
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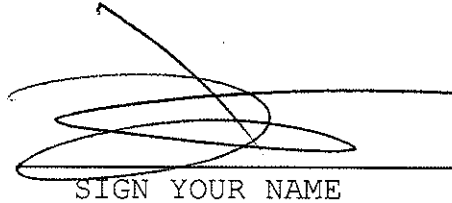
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Eddie To
PRINT YOUR NAME

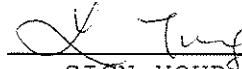
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Morris Wing Tsai
PRINT YOUR NAME


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SIGN YOUR NAME

John H Welt Jr
PRINT YOUR NAME

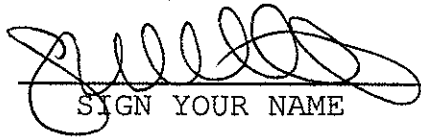
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SIGN YOUR NAME

Shannon Welt
PRINT YOUR NAME


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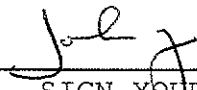
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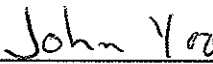
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Bryan D. Aromin
SIGN YOUR NAME

BRYAN D. AROMIN
PRINT YOUR NAME

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LINDA S. BLANEY
PRINT YOUR NAME

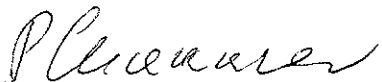
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Linda Chau
SIGN YOUR NAME

LINDA CHAU
PRINT YOUR NAME

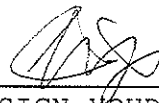
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CHIANG, KAI HONG

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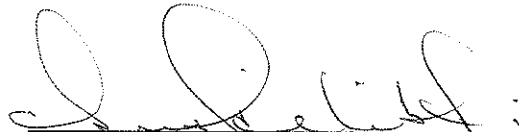
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CHRISTINA CILIBERTI
PRINT YOUR NAME

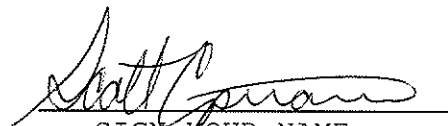
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SCOTT Cipriani
PRINT YOUR NAME

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VIVIAN J. DENG
PRINT YOUR NAME

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M. DiGiorgio
Mike D. Giorgio
SIGN YOUR NAME

PRINT YOUR NAME

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SIGN YOUR NAME

KAY DONNER
PRINT YOUR NAME

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Candida Dueñas
PRINT YOUR NAME



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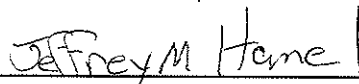
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Richard N Hart Jr.
SIGN YOUR NAME

RICHARD N HART JR.
PRINT YOUR NAME

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Joyce Hsu
SIGN YOUR NAME

Joyce Hsu
PRINT YOUR NAME

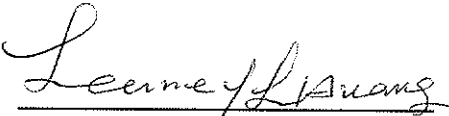
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LEON GREENBERG, ATTORNEY AT LAW
2965 SOUTH JONES BOULEVARD #E-3
LAS VEGAS, NV 89146

CONSENT TO JOINDER

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Leanne Yue-Lian Huang
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Tasha Keck
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Tasha Keck
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Rebbecca M. Kelley
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Rebbecca M. Kelley
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Tori R. Medina
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Trung Nguyen
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Corey Olson

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Matthew Owens
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Brenda Richardson
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Brenda Richardson
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DAVID TAN

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Judy Torres
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Bonnie Wong

PRINT YOUR NAME

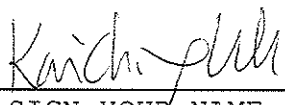
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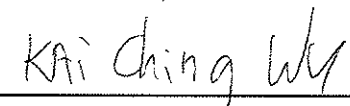
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Teresa Young

PRINT YOUR NAME

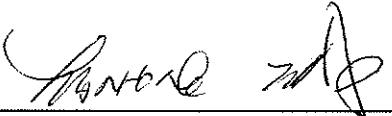
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XIA ZHONG
PRINT YOUR NAME

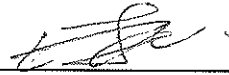
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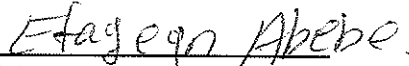
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Estella Brown
PRINT YOUR NAME


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ANCA CARIABASU

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MARIANNE CASACCIA-ANDERSON
PRINT YOUR NAME

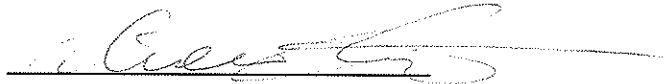
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Alice Sarah Chen
PRINT YOUR NAME

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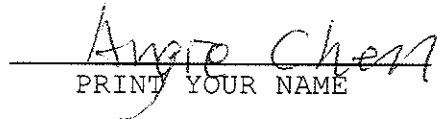
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MATTHEW CINCOTTO
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NURYS CROCKETT
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Thomas Ealy Jr.
PRINT YOUR NAME

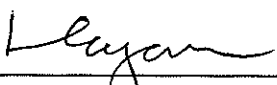
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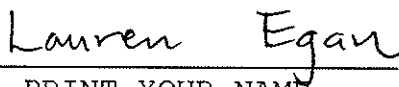
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Claudia Fadel

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CLAUDIA FADEL

PRINT YOUR NAME

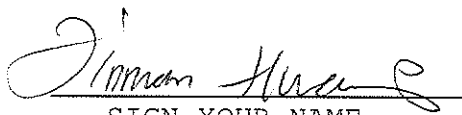
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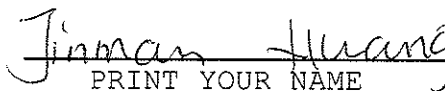
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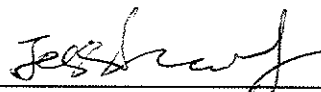
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JESSICA JIANG

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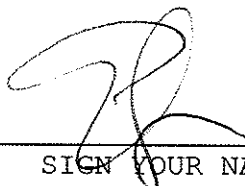
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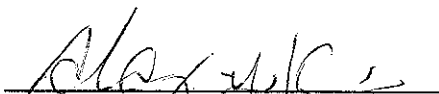
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Loretta Lau

SIGN YOUR NAME

LORETTA LAU

PRINT YOUR NAME


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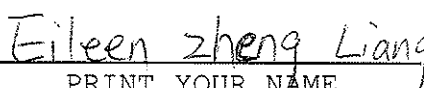
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LEON GREENBERG, ATTORNEY AT LAW
2965 SOUTH JONES BOULEVARD #E-3
LAS VEGAS, NV 89146

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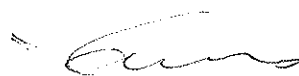
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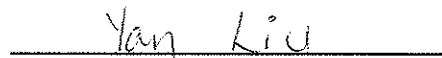
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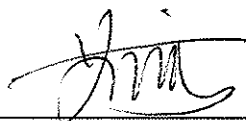
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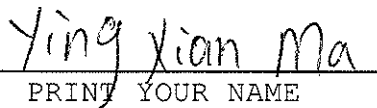
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Cassandra Morishita
PRINT YOUR NAME


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Nicholas J Perki
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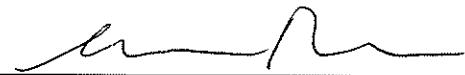
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 3/2/16
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Nakorn Premvaree
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Romilda Sarant
SIGN YOUR NAME

ROMILDA SARANT
PRINT YOUR NAME

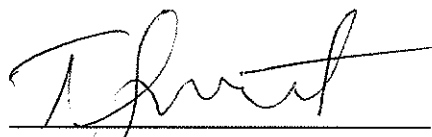
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Thomas A. Sosna
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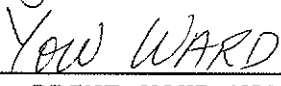
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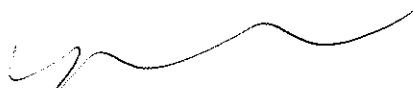
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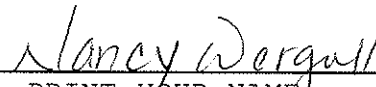
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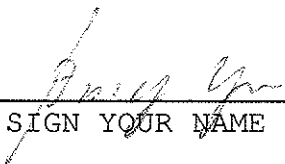
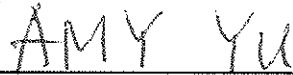
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Jing Zhang
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JING ZHANG
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ping zhang

SIGN YOUR NAME

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Denise Zhou
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